

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39131 of 2007
SHEO PARSAN DUBEY
Versus
STATE OF BIHAR

For Petitioner :- Mr. Rajesh Kr. Pathak, Advocate

For Opposite Party :- Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Manish Kumar, No.-3
Mr. Bhaskar Shankar, Advocate

For the State :- Mr. Jharkhandi Upadhyay, A.P.P.

4 11.7.2008 Heared learned counsel for the petitioner, counsel
appearing on behalf of Opposite Party No. 2 and the State.

The petitioner has challenged the order dated 20.7.2007
and 24.7.2007 passed by the Presiding Officer, Fast Track Court, II,
Kaimur, Bhabhua.

The petitioner has filed an application under Section
233(3) calling for certain documents to show that P.Ws. 4 and 10 were
inimically disposed towards the petitioner as they were working under
him when he was working as a Branch Manager. The petitioner had
ample opportunity to cross examine P.Ws. 4 and 10 and in fact had
cross examined P.Ws. 4 and 10 to show that they were not on very
cordial terms. The case is under Sections 302, 307, 120(B), 379/34 of
the Indian Penal Code and the application was filed on 13.7.2007. At
present the trial is almost concluded inasmuch it is the final arguments
are going on behalf of the prosecution.

I do not find that the documents called for by the
defence are of such a nature which would be necessary for a 'just
decision' in the case. The petitioner is not in any way prejudiced and it
appears that the applications have been filed in order to delay the trial.

In the circumstances, I find no merit in this application
and the application is dismissed.

Sanjay

(Sheema Ali Khan, J.)

